

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
PHILADELPHIA DIVISION

In re: EMIL RICCI	)	
<u>Debtor(s)</u>	)	
	)	CHAPTER 13
AMERICREDIT FINANCIAL SERVICES,	)	
INC. dba GM FINANCIAL	)	Case No.: 16-13348 (AMC)
<u>Moving Party</u>	)	
v.	)	Hearing Date: 9-13-16 at 11:00 AM
	)	
EMIL RICCI	)	11 U.S.C. 362
<u>Respondent(s)</u>	)	
	)	
WILLIAM C. MILLER	)	
<u>Trustee</u>	)	
	)	
	)	

**STIPULATION OF SETTLEMENT OF MOTION OF GM FINANCIAL FOR RELIEF  
FROM THE AUTOMATIC STAY**

This matter having been brought before the Court on a Motion For Relief From The Automatic Stay by William E. Craig, Esquire, attorney for AmeriCredit Financial Services, Inc. dba GM Financial ("GM Financial"), and the Debtor having opposed such Motion through his counsel, Paul Gregory Lang, Esquire, and the parties having resolved said Motion as hereinafter set forth and by the agreement of all counsel the parties hereby stipulate;

**ORDERED:**

1. That GM Financial is the holder of a first purchase money security interest in a 2009 Mercury Grand Marquis bearing vehicle identification number 2MEHM75V19X615710.
2. That the parties stipulate that the Debtor's account has arrears through April 2016 2011 in the amount of \$1,657.04. That with the addition of counsel fees and costs for the instant motion in the amount of \$526.00, the total amount to be cured is \$2,183.04.
3. That the Debtor is to cure the arrearage set forth in paragraph two (2) above (\$2,183.04) through his Chapter 13 Plan. The Debtor is to file an amended Plan to set forth this amount to be cured via payments from the Chapter 13 Trustee by December 20, 2016 or GM Financial may file a Certification of Default with the

Court and serve it on all interested parties, and the Court shall enter an Order granting relief from the automatic stay.

4. That commencing September 2016, if the Debtor fails to make any payment to GM Financial within thirty (30) days after the date it falls due, GM Financial may send, via facsimile and regular mail, the Debtor and counsel a written notice of default of this Stipulation. If the default is not cured within ten (10) days of the date of the notice, counsel may file a Certification of Default with the Court and serve it on all interested parties, and the Court shall enter an Order granting relief from the automatic stay.
5. That GM Financial shall be required to send just one (1) written notice of default of this Stipulation. For any subsequent default of the terms of this Stipulation, GM Financial may file a Certification of Default with the Court and serve it on all interested parties, and the Court shall enter an Order granting relief from the automatic stay.
6. That the parties agree that a facsimile signature shall be considered an original signature.

We hereby agree to the form and entry of this Order:

/s/ Paul Gregory Lang  
Paul Gregory Lang, Esquire  
Attorney for the Debtor

/s/ William E. Craig  
William E. Craig, Esquire  
Attorney for GM Financial

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<u>Trustee</u>	)	
	)	
	)	

**ORDER APPROVING STIPULATION**

IT IS HEREBY ORDERED that the Stipulation between GM Financial and the Debtor in settlement of the Motion For Stay Relief, and filed on or about December 28, 2016, in the above matter is APPROVED.

Dated: **December 29, 2016**

BY THE COURT:



UNITED STATES BANKRUPTCY JUDGE